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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HOWARD CHARATZ, Individually)	No. 3:05-cv-02319-MLC-TJB
and On Behalf of All Others Similarly)	(Consolidated)
Situated,)	
)	<u>CLASS ACTION</u>
Plaintiff,)	
)	DECLARATION OF ROBERT F.
vs.)	BIGA IN SUPPORT OF LEAD
)	PLAINTIFFS' MOTION FOR CLASS
AVAYA, INC., et al.,)	CERTIFICATION
)	
Defendants.)	
)	

I, ROBERT F. BIGA, declare as follows:

1. I respectfully submit this declaration in support of Lead Plaintiffs' Motion for Class Certification. I have personal knowledge of the statements herein and, if called upon as a witness, could and would competently testify thereto.

2. I am the Secretary of the City of Livonia Employees' Retirement System (the "Fund"). The Fund has approximately 800 participants and beneficiaries. The Fund's Defined Benefit Plan assets, as of October 2009, were approximately \$182 million. The Fund purchased a total of 61,375 shares of Avaya, Inc. ("Avaya") stock between March 2, 2005 and April 19, 2005. The Fund did not sell shares of Avaya stock between March 2, 2005 and April 19, 2005. The Fund's transactions in Avaya stock that are the subject of this litigation are set forth in the documents attached hereto as Exhibit A.

3. I assumed the duties of Secretary in November 2004. As Secretary, my duties include overseeing the administration of the Fund, such as preparing and maintaining records of the Fund, processing retirement benefits, implementing Fund provisions, and working with Fund members and professionals.

4. The Fund is a public pension fund which provides pension benefits to retirees and beneficiaries of the City of Livonia, State of Michigan. The Fund has been in existence since 1954. Its Board of Trustees consists of five trustees, as follows: the Mayor or the Mayor's designated administrative representative; a member of the City Council to be selected by the Council; a member of the Civil Service

Commission to be selected by the Civil Service Commission; a police or fire member to be elected by the police and fire members; and a member of any retirement plan established by City ordinance who is not a police or fire member to be elected by the members of any retirement plan established by City ordinance other than police and fire members.

5. The Fund understands that the Private Securities Litigation Reform Act of 1995 was intended to encourage institutional investors to seek to direct securities class actions. The Fund is a large, sophisticated institutional investor committed to vigorously prosecuting this litigation. The Fund intends to obtain the largest recovery for the class consistent with good faith and sound judgment.

6. The Fund has reviewed and monitored the progress of this litigation and the active participation of Fund representatives in its prosecution. For example, the Fund received and reviewed periodic updates and other documents from Lead and/or Liaison Counsel, supervised Fund representatives who collected materials for discovery, reviewed pleadings and other documents in the case, including the Consolidated Complaint for Violations of the Federal Securities Laws, and participated in discussions with counsel regarding significant developments in the litigation.

7. The Fund is committed to continuing to actively direct this litigation and maximize the recovery for the class by attending hearings, depositions and/or trial and overseeing the preparation and filing of pleadings, as appropriate. Further, the Fund

understands that it owes a fiduciary duty to all members of the proposed class to provide fair and adequate representation and intends to continue to work with Lead Counsel to obtain the largest recovery for the whole class consistent with good faith and meritorious advocacy.

8. The Fund intends to continue to provide fair and adequate representation by, among other things, directing the efforts of its selected counsel Coughlin Stoia Geller Rudman & Robbins LLP ("Coughlin Stoia").

9. The Fund selected Coughlin Stoia as its proposed Lead Counsel based on the firm's substantial experience and expertise in prosecuting securities class actions.

10. In addition, the Fund believes that Coughlin Stoia possesses the necessary financial and human resources to prosecute this case effectively.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 23rd day of November 2009, at Livonia Michigan.



ROBERT F. BIGA
SECRETARY